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PART - VI

Acts of Parliament and Ordinances promulgated by the President

LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT

Sachivalaya, Gandhinagar, 18th March, 2026

No. RPB/Act-39/2025/E:- The Following Act of Parliament is republished for general information:-

Government of India
Ministry of Law and Justice
Legislative Department

New Delhi, the 21st December, 2025/Agrahayana 30, 1947 (Saka)

The following Act of Parliament received the assent of the President on the 20th December, 2025 and is hereby published for general information:-

THE SUSTAINABLE HARNESSING AND ADVANCEMENT OF NUCLEAR ENERGY FOR TRANSFORMING INDIA ACT, 2025

No. 39 of 2025

[20*th December,* 2025.]

An Act to provide for the promotion and development of nuclear energy and ionising radiation for nuclear power generation, application in healthcare, food, water, agriculture, industry, research, environment, innovation in nuclear science and technology, for the welfare of the people of India, and for robust regulatory framework for its safe and secure utilisation and for matters connected therewith or incidental thereto.

WHEREAS India having achieved self-reliant capability in production and use of nuclear energy, recognises the potential it offers towards rapidly meeting the ever increasing energy needs of the country through further research and development;

AND WHEREAS India has been pursuing such developments in a responsible way;

AND WHEREAS nuclear energy is a clean and abundant source for electricity and hydrogen production and has the potential to address clean energy needs of Viksit Bharat;

AND WHEREAS India pursues a policy of closed fuel cycle to enable sustainability of nuclear fuel resources as well as safe radioactive waste management, and has adopted a three-stage nuclear power development programme, which aims at full exploitation of India's abundant thorium reserves;

AND WHEREAS speedy development for large scale thorium utilisation requires strong institutional foundations for research, development and usage of next generation technologies;

AND WHEREAS accelerated growth of Artificial Intelligence, high-performance computing, quantum technologies, indigenous semiconductor fabrication and large-scale data-driven research requires stable, reliable, abundant, clean and round-the-clock power supply, which can be ensured through expanded deployment of nuclear energy and necessitating a new legal framework promoting research and innovation in private-sector;

AND WHEREAS application of nuclear science and technology in energy, healthcare, food, water, agriculture, industry, research, environment and other non-power uses and its utilisation in Artificial Intelligence in supporting future-ready applications including advanced materials research, precision manufacturing, space technologies and industrial automation is crucial in fulfilling India's developmental aspirations and achieving sustainable development goals;

AND WHEREAS India is committed to expand the application and deployment of nuclear science and technology to enhance nuclear energy share of the total energy mix;

AND WHEREAS it is desirable to harness the potential of nuclear energy through active involvement of both public and private sectors and to leverage the participation of the domestic industry to contribute to and benefit from the global nuclear energy ecosystem including research, technology, manufacturing, finance, insurance and skill development;

AND WHEREAS India's excellent record in nuclear safety and radiation safety needs to be sustained through enhanced legal and regulatory framework for ensuring continued excellence keeping pace with the large-scale expansion of nuclear power programme, rapidly emerging Artificial Intelligence enabled nuclear and radiation technologies and other radiation applications.

BE it enacted by Parliament in the Seventy-sixth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title and commencement.

1. (*1*) This Act may be called the Sustainable Harnessing and Advancement of Nuclear Energy for Transforming India Act, 2025.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act, shall be construed as a reference to the coming into force of that provision.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*1*) "activities" means any activity connected with or incidental to production or use of nuclear energy and ionising radiation and includes radioactive waste management, import, export or transport of prescribed substance or radioactive substance and any other practice or circumstances in which an individual may be subject to radiation exposure;

(*2*) "adjudicating officer" means the adjudicating officer designated as such under sub-section (*2*) of section 70;

(*3*) "Appellate Tribunal" means the Appellate Tribunal for Electricity established under section 110 of the Electricity Act, 2003; 36 of 2003.

(*4*) "Atomic Energy Commission" means the Atomic Energy Commission established by the Government of India Resolution dated the 1st March, 1958;

(*5*) "Board" means the Atomic Energy Regulatory Board constituted under sub-section (*1*) of section 17;

(*6*) "Central Government" means the Department of Atomic Energy;

(*7*) "Claims Commission" means the Nuclear Damage Claims Commission established under section 56;

(*8*) "Claims Commissioner" means the Claims Commissioner designated as such under sub-section (*2*) of section 54;

(*9*) "company" shall have the same meaning as assigned to it in clause (*20*) of section 2 of the Companies Act, 2013, but does not include a company incorporated outside India; 18 of 2013.

(*10*) "Council" means the Atomic Energy Redressal Advisory Council established under section 47;

(*11*) "decommissioning" means permanent discontinuation of the operation of any facility or mine, with or without dismantling the equipment, removal or containment of any prescribed substance or radioactive material, with necessary measures taken for cessation of regulatory or governmental control;

(*12*) "environment" shall have the same meaning as assigned to it in clause (*a*) of section 2 of the Environment (Protection) Act, 1986; 29 of 1986.

(*13*) "facility" includes nuclear facility and radiation facility;

(*14*) "financial security" means a contract of indemnity or guarantee or shares or bonds or such instrument or any combination thereof;

(*15*) "fissile material" means—

(*a*) plutonium;

(*b*) uranium-233;

(*c*) uranium-235;

(*d*) any material containing one or more of the foregoing; and

(*e*) such other material as the Central Government may from time to time notify in this behalf;

(*16*) "Government company" shall have the same meaning as assigned to it in clause (*45*) of section 2 of the Companies Act, 2013; 18 of 2013.

(*17*) "licence" means licence granted by the Central Government under this Act;

(*18*) "licensee" means a person to whom a licence has been granted under this Act;

(*19*) "minerals" include all substances obtained or obtainable from the earth surface or sub-surface of the earth crust, either soil or rock, and the like; and any reference in this Act to the working of minerals shall be construed as including a reference to the mining, getting, carrying away, transporting, sorting, extracting or otherwise treating of minerals;

(*20*) "notification" means notification published in the Official Gazette and the term "notify" or "notified" shall be construed accordingly;

(*21*) "nuclear damage" means any injury, loss or damage caused by a nuclear incident,—

(*a*) occurring in a nuclear installation; or

(*b*) involving a nuclear material originating in, transported from or to, a nuclear installation,

whether arising from the radioactive properties of such material, or from a combination of radioactive properties with toxic, explosive or other hazardous properties of such other material, resulting in—

(*i*) loss of life or personal injury including immediate and long-term health impact to an individual;

(*ii*) loss of, or damage to, property; or

(*iii*) any other loss or damage as may be notified by the Central Government, including—

(*A*) any economic loss;

(*B*) costs of measures taken for the restoration of an impaired environment;

(*C*) any loss of income arising from an economic interest in the use or enjoyment of the environment;

(*D*) the costs of measures taken for preventing and mitigating nuclear damage, and additional loss or damage resulting from such measures;

(*22*) "nuclear energy" means energy released from atomic nuclei as a result of any process, including the fission and fusion processes; and any reference in this Act to the production or use of nuclear energy shall be construed as including a reference to the carrying out of any process, preparatory or subsequent or ancillary to such production or use.

Explanation.—For the removal of doubts, it is hereby clarified that any reference to the expression "atomic energy" in any law or any other instrument having the force of law shall be construed as a reference to nuclear energy as defined in this clause;

(*23*) "nuclear facility" means any plant including the premises and precincts thereof in which source material or fissile material is produced, processed, used, handled, stored or disposed of and includes nuclear power plant, research reactor, fuel fabrication plant, refinement or conversion plant, spent fuel storage facility, enrichment plant, reprocessing plant, facility engaged in management of waste from use of source or fissile material; or any other facility engaged in the use or production of nuclear energy as may be notified by the Central Government, but does not include mining and processing of ores and facilities handling waste arising thereof;

(*24*) "nuclear incident" means any occurrence or a series of occurrences having the same origin that results in nuclear damage or, despite all reasonable measures taken to prevent or mitigate the damage, presents a grave and imminent risk of causing such damage;

(*25*) "nuclear installation" means such nuclear facility where—

(*a*) nuclear fission can occur in a reactor including one driven by external neutrons other than a reactor comprised in any means of transport;

(*b*) nuclear fuel is used for the production or processing of nuclear material, including reprocessing of irradiated nuclear fuel; or

(*c*) nuclear material is stored (other than storage incidental to the carriage of such material),

and several nuclear installations of one operator which are located at the same site shall be considered as a single nuclear installation;

(*26*) "nuclear material" means and includes—

(*a*) nuclear fuel (other than natural uranium or depleted uranium) capable of producing energy by a self-sustaining chain process of nuclear fission outside a reactor, either by itself or in combination with some other material; and

(*b*) any radioactive material produced in, or any material made radioactive by exposure to, the radiation incidental to the production or utilisation of nuclear fuel, but does not include radioisotopes which have left its nuclear installation of origin for final fabrication so as to be usable for any scientific, medical, agricultural, commercial or industrial purpose;

(*27*) "nuclear security" or "security", means measures to prevent, detect and respond to criminal or intentional or unauthorised or malicious acts including unauthorised removal of fissile material and sabotage involving or directed at fissile material, other radioactive material or associated facilities and activities;

(*28*) "operator", in relation to a nuclear installation, means the person who has been granted a licence under this Act for the purpose of operating the nuclear installation;

(*29*) "person" shall include an individual or a company or association or body of individuals, whether incorporated or not, or the Central Government or a State Government;

(*30*) "plant" includes machinery, equipment or appliance, whether affixed to land or not and associated buildings and conveyances;

(*31*) "prescribed" means prescribed by rules made by the Central Government under this Act;

(*32*) "prescribed equipment" means any property which the Central Government may, by notification, specify, being a property which in its opinion is specially designed or adapted or which is used or intended to be used for the production or utilisation of any prescribed substance, or for the production or use of nuclear energy, radioactive substances, or ionising radiation, but does not include mining, milling, laboratory and other equipment not so specially designed or adapted and not incorporated in equipment used or intended to be used for any of the purposes aforesaid;

(*33*) "prescribed substance" means any source material, fissile material and such other material which the Central Government may, by notification, specify, being a substance which in its opinion is or may be used for the production or use of nuclear energy or ionising radiation or matters connected therewith or incidental thereto;

(*34*) "radiation" means ionising radiation such as gamma rays, X-rays, and rays consisting of alpha particles, beta particles, neutrons, protons, positron and other nuclear and sub-atomic particles; but not sound or radio waves or microwaves, or visible, infra-red or ultra-violet light;

(*35*) "radiation facility" means any location or facility, including a mobile facility, involving the use of generating equipment or plant or radioactive material for non-power applications such as in the field of medicine, industry, food, water, environment, research and agriculture;

(*36*) "radioactive substance" or "radioactive material" means any substance or material which spontaneously emits radiation in excess of the levels notified by the Board;

(*37*) "radioactive waste" means any waste material, other than spent fuel, which has no further foreseen use, as determined by the Central Government, containing radionuclides in quantities and concentrations exceeding the level notified by the Board;

(*38*) "reactor" means any engineered facility containing nuclear fuel in such an arrangement that nuclear energy can be produced, extracted or harnessed;

(*39*) "regulations" means regulations made by the Board under this Act;

(*40*) "regulatory document" includes safety codes, safety standards, safety guides, safety manuals and such other documents issued by the Board;

(*41*) "safeguards" means a set of measures necessary to ensure that source material and fissile material are controlled and accounted for, as per the provisions of this Act;

(*42*) "safety" or "nuclear safety" or "radiation safety", means the achievement of proper operating conditions, prevention of accidents or mitigation of accident consequences, resulting in protection of workers, public and environment from harmful effects of radiation risks;

(*43*) "safety authorisation" means a written permission granted by the Board under this Act;

(*44*) "source material" means—

(*a*) uranium containing mixture of isotopes occurring in nature;

(*b*) uranium depleted in the isotope 235;

(*c*) thorium;

(*d*) any of the foregoing in the form of metal, alloy, chemical compound, or concentrate;

(*e*) any other material containing one or more of the foregoing in such concentration; or

(*f*) such other material as the Central Government may, from time to time, notify;

(*45*) "spent fuel" means nuclear fuel that has been irradiated in, and permanently removed from, the reactor core.

CHAPTER II

GRANT OF LICENCE AND SAFETY AUTHORISATION

Licence and safety authorisation for production or use of nuclear energy.

3. (*1*) Subject to the provisions of this Act, the following persons shall be eligible to apply to the Central Government for a licence for the purposes of setting up any of the facilities or undertaking the activities specified in sub-section (*2*), namely:—

(*a*) any Department of the Government of India or any institution or authority or corporation established or owned or controlled by such Government;

(*b*) any Government company;

(*c*) any other company;

(*d*) a joint venture among any of the aforesaid; or

(*e*) any other person expressly permitted by the Central Government, by notification, to set up such facilities or undertake such activities.

(*2*) The licence referred to in sub-section (*1*) shall be mandatory for setting up or undertaking the following facilities and activities for the production, use and disposal of nuclear energy, namely:—

(*a*) build, own, operate or decommission a nuclear power plant or reactor;

(*b*) the fabrication of nuclear fuel including conversion, refining and enrichment of uranium-235 up to such threshold value, or production, use, processing or disposal of other prescribed substance, as may be notified by the Central Government;

(*c*) the transportation or storage of nuclear fuel or spent fuel or any other prescribed substance;

(*d*) the import, export, acquisition, or possession of nuclear fuel or prescribed substance;

(*e*) the import, export, acquisition or use of prescribed equipment;

(*f*) the import or export of any technology or software, that may be used for the development, production or use of prescribed substance or prescribed equipment; or

(*g*) any other facilities or activities as may be notified by the Central Government.

(*3*) The facilities or activities requiring a licence under this section shall also require a safety authorisation if such facilities or activities are likely to subject an individual to radiation exposure, as may be specified by regulations.

(*4*) While setting up the facilities or undertaking the activities referred to in sub-section (*2*),—

(*a*) the source material and fissile material in any form, produced within India or imported, shall remain under the surveillance and control of the Central Government for the purposes of accounting; and shall be subject to such safeguards as may be specified by the Central Government;

(*b*) the spent fuel shall be safely stored for a cooling period of such duration to be determined by the Board or for such further duration as the Central Government may direct, before being delivered to the Central Government for its subsequent management or repatriated to the country of origin;

(*c*) the heavy water used in a nuclear facility shall remain under the supervision of the Central Government for the purposes of accounting; and shall be delivered back to it after its intended use or as directed by the Central Government,

and the cost of delivery and subsequent management of spent fuel or its repatriation under clause (*b*) and delivery of heavy water under clause (*c*), as may be determined by the Central Government, shall be borne by the licensee.

(*5*) The following facilities and activities shall be set up or undertaken exclusively by the Central Government or any institution or factory wholly owned by it, namely:—

(*a*) the enrichment or isotopic separation of prescribed substance or radioactive substance, unless otherwise notified by the Central Government in this behalf;

(*b*) the management of spent fuel, including reprocessing, recycling, separation of radionuclides contained therein and management of high-level radioactive waste arising thereof;

(*c*) the production of heavy water and its upgradation by isotopic separation;

(*d*) any other facilities or activities as may be notified by the Central Government.

Regulation of radioactive substance and radiation generating equipment.

4. (*1*) Any person who seeks to,—

(*a*) manufacture, possess, use, export, import, transport, dispose or transfer by sale or otherwise, any radioactive substance and radiation generating equipment; or

(*b*) establish, operate or decommission a radiation facility or undertake associated activities,

shall obtain a safety authorisation from the Board.

(*2*) The Central Government may, if it considers necessary or expedient so to do in the public interest, require the export, import or manufacture of any category or class of radioactive substances and high energy radiation generating equipment, as may be notified by it, to be carried out under a licence.

(*3*) In the case of radiological emergency as may be specified by regulations, the transport for safe disposal of radioactive substances shall be carried out in accordance with the directions issued by the Central Government.

(*4*) The Central Government may, by rules provide for measures for ensuring the security of radioactive substance during its storage, use, disposal and transport, and for the purpose of securing compliance, may—

(*a*) inspect any consignments or package or conveyance or plant; and

(*b*) maintain national registry of radioactive substances.

(*5*) The Central Government may, either on the recommendations of the Board or if it considers necessary for the prevention of radiation hazards, assume control of any radioactive substance or radiation generating equipment, including for their safe disposal and the cost of such disposal may be recovered from the holder of safety authorisation.

Mining and processing of certain source material.

5. (*1*) The Central Government may undertake any exploration activities for the purpose of discovering the presence of,—

(*a*) any mineral in or on the land including seabed, either in a natural state or in a deposit; or

(*b*) any mineral in waste material obtained from any underground or surface working; or

(*c*) any other material from which in its opinion prescribed substance can be obtained:

Provided that any person who discovers or has reason to believe that uranium or thorium is available at any place in India shall inform the Central Government forthwith.

(*2*) Notwithstanding anything contained in any other law for the time being in force, the working of mines and minerals in onshore or offshore areas containing uranium and thorium and decommissioning of such mines shall be carried out only by the Government, a Government company, or a corporation owned or controlled by the Government, and only under a licence and a safety authorisation:

Provided that such mineral shall be of the grade that is equal to or above the threshold value as may be notified by the Central Government:

Provided further that where the grade of such mineral is below the threshold value, it shall be handled and disposed of in accordance with such order as may be issued by the Central Government in respect of conservation of minerals and by the Board in respect of radiological safety.

(*3*) Where the Central Government is of the opinion that uranium, thorium or any other prescribed substance may reasonably be isolated or extracted from the working of any mine or mineral or from treating or concentrating any material by any physical, chemical or metallurgical process, it may by order,—

(*a*) require such activities to be carried out under a licence and a safety authorisation;

(*b*) impose such terms and conditions as may be deemed necessary, for carrying out the activities; or

(*c*) prohibit carrying out of such activities.

(*4*) Where the Central Government imposes any terms and conditions under clause (*b*) of sub-section (*3*), or orders any prohibition under clause (*c*) of that sub-section, it may pay compensation to the affected person in accordance with section 36.

(*5*) All uranium or thorium mined, isolated or extracted, and any minerals, concentrates or other materials, whether mined, treated or concentrated, containing uranium or thorium in their natural state beyond such proportion as may be notified by the Central Government, shall vest in that Government and shall not be sold, transferred, or otherwise disposed of except with its prior permission and in accordance with such terms and conditions and such safeguards as may be specified by the Central Government.

(*6*) Any material referred to in sub-section (*5*) including any tailings, reject, byproduct or residue containing uranium and thorium below the proportion notified under that sub-section which in the opinion of the Central Government does not have any foreseen use shall be treated as hazardous substance and handled in accordance with the provisions of the Environment (Protection) Act, 1986.

29 of 1986.

(*7*) In case of non-compliance by any person with the provisions of this section or where required in the interest of national policy or public interest or public safety, the Central Government may compulsorily acquire any mineral, concentrate or substance and require such mineral, concentrate or substance to be delivered to it or to such authority as it may direct.

Application for licence and safety authorisation.

6. (*1*) An application for licence shall be made in such form and manner, accompanied by such documents, information and fee, as may be prescribed.

(*2*) An application for safety authorisation shall be made in such form and manner, accompanied by such documents, information and fee as may be specified by regulations.

Conditions for grant of licence or safety authorisation.

7. (*1*) Upon an application made under sub-section (*1*) of section 6, the Central Government may grant a licence in such manner and subject to such terms and conditions as may be prescribed, including compliance with the financial, technical, management and other organisational capabilities covering the aspects of design, construction, commissioning, operation, maintenance, life management, decommissioning, quality assurance, radioactive waste management, liability, security, as it may deem necessary, for the entire life time of the facility or mine.

(*2*) Upon an application made under sub-section (*2*) of section 6, the Board may grant a safety authorisation in such manner and subject to such terms and conditions as may be specified by regulations including compliance with applicable regulatory documents.

(*3*) Where an applicant applies to undertake two or more activities in relation to a facility, the Central Government or the Board may grant a single composite licence or safety authorisation to undertake all or part of the activities for which the application has been made.

(*4*) Notwithstanding anything contained in this Act, no licence may be granted to—

(*a*) any company, if the Central Government knows or has reason to believe that it is owned, controlled or dominated by entities who are inimical to defence and national security, or health and safety of the public;

(*b*) any person in India, if in the opinion of the Central Government, the issuance of a licence to such person would be inimical to defence and national security, or health and safety of the public.

(*5*) A licence or safety authorisation granted under this Act shall be valid for such period as may be determined by the Central Government or the Board, as the case may be.

(*6*) The Central Government or the Board may, upon application, extend or renew any licence or safety authorisation for such period as may be deemed necessary.

(*7*) Any licence or safety authorisation granted under this Act shall not be transferable except with the prior permission of the Central Government or the Board, as the case may be.

(*8*) Nothing in this section shall affect the authority of the Central Government or the Board to refuse a licence or a safety authorisation for reasons to be recorded in writing.

(*9*) The Central Government or the Board may, on an application or otherwise in the public interest, make such alterations or amendments in the terms and conditions of the licence or safety authorisation, as may be deemed fit.

Suspension or cancellation, etc., of licence or safety authorisation.

8. (*1*) The Central Government or Board may, by order, and after giving an opportunity of hearing to the person granted licence or safety authorisation under this Act, modify, suspend, cancel or curtail the duration of the licence or the safety authorisation for mines, facilities or activities, at any time, if in its opinion, the person contravenes or fails to comply with—

(*a*) any provision of this Act or the rules or regulations made thereunder;

(*b*) any term or condition attached to the licence or safety authorisation; or

(*c*) any condition imposed or direction issued by the Central Government or the Board.

(*2*) Notwithstanding anything contained in sub-section (*1*), the Central Government may modify, suspend, cancel or curtail the duration of the licence, if at any point of time,—

(*a*) the Central Government knows or has reasons to believe that the licensee is owned, controlled, or dominated by entities who are inimical to defence and national security or health and safety of the public;

(*b*) the financial position of the licensee has deteriorated to such an extent that it may no longer be able to operate the licensed business in a safe, secure or reliable manner;

(*c*) there exists any conduct, omission or circumstance, whether by act or default, which poses a material risk to the continuity of operation of the licensed business;

(*d*) the continuation of the licence is likely to be prejudicial to public interest, health or safety of public or environment or national security or safeguards or nuclear security.

(*3*) Upon suspension or modification or curtailment of duration of a licence, the licensee shall take all measures to comply with the directions issued by the Central Government, failing which the licence may be cancelled:

Provided that no licence shall be suspended for more than one year.

(*4*) Upon cancellation of the licence, the Central Government shall take under its control, the licensed facility or mine and ensure compliance with the safety, security, safeguard and any other obligations, in such manner as may be prescribed and take measures for the continuity of the licensed business.

(*5*) Before cancellation of a licence under this section, the Central Government shall take into consideration the following factors, namely:—

(*a*) administration of the business on cancellation of the licence;

(*b*) measures for protection of interests of lenders, investors, consumers and other stakeholders;

(*c*) transition plans for continuity of the licensed business.

Exemption of research, development and innovation activities from licence.

9. (*1*) A person may carry out research, development, design and innovation in matters related to nuclear energy and radiation for the peaceful use except for the activities exclusively reserved for Central Government under sub-section (*5*) of section 3 or has national security implications.

(*2*) While carrying out the activities under sub-section (*1*), adequate safety and security shall be ensured to protect the persons, public and the environment.

(*3*) Nothing in this section shall prevent the Central Government from permitting, subject to such conditions as it may deem fit to impose, the use of small quantities of prescribed substance as may be determined by the Central Government to be necessary for the conduct of research under this section.

CHAPTER III

DUTIES AND LIABILITIES

Duties of persons granted licence or safety authorisation and other persons.

10. (*1*) Any person who has been granted licence or safety authorisation shall—

(*a*) not undertake any activity other than the purpose for which licence or safety authorisation is granted;

(*b*) handle the prescribed substance or radioactive substance or operate the prescribed equipment or radiation generating equipment in accordance with the terms and conditions of the licence or safety authorisation and subject to such safeguards, if any, provided in the purchase agreement.

(*2*) Any employer of a facility, occupier of a factory, owner of a mine or any other person in possession of radioactive substance or radiation generating equipment shall have the prime responsibility for the safety, security and safeguards and shall comply with such terms and conditions as may be prescribed.

(*3*) Without prejudice to the generality of the foregoing provisions, every person who has been granted a licence or safety authorisation under this Act, shall—

(*a*) comply with the terms and conditions of the licence and safety authorisation and the rules, regulations, orders and regulatory documents issued under this Act in respect of safety, security and safeguards, quality assurance and control, radioactive waste management, decommissioning of the facilities, and maintaining design support throughout the life time of the facility or mine;

(*b*) maintain such books of account or other documents or records as the Central Government or the Board may require;

(*c*) furnish such periodic returns and reports to the Central Government or the Board, as may be required;

(*d*) provide access and necessary infrastructure to the authorised representatives of the Central Government and the Board including their resident officers and employees at site, for the conduct of inspection and investigations;

(*e*) maintain sufficient financial security, in such manner as may be prescribed,—

(*i*) to ensure safe disposal of radioactive substances and decommissioning of the facility or mine; and

(*ii*) for settlement of claims for compensation arising from any injury, loss or damage, other than nuclear damage, caused by radiation or radioactive contamination either at the facility or mine or in the surrounding areas or during transportation.

Liability of operator of nuclear installation.

11. (*1*) Notwithstanding anything contained in this Act, the operator of the nuclear installation shall be liable for nuclear damage caused by a nuclear incident—

(*a*) in that nuclear installation; or

(*b*) involving nuclear material transported from that nuclear installation and occurring before—

(*i*) the liability for nuclear incident involving such nuclear material has been assumed, pursuant to a written agreement by another operator;

(*ii*) another operator has taken custody of such nuclear material;

(*iii*) the person duly authorised to operate a reactor has taken custody of the nuclear material intended to be used in such reactor comprised in any means of transport; or

(*iv*) such nuclear material has been unloaded from the means of transport by which it was sent to a person within the territory of a foreign State;

(*c*) involving nuclear material transported to that nuclear installation and occurring after—

(*i*) the liability for nuclear incident involving such nuclear material has been transferred to that operator, pursuant to a written agreement, by the operator of another nuclear installation;

(*ii*) that operator has taken custody of such nuclear material;

(*iii*) that operator has taken custody of such nuclear material from a person operating a reactor comprised in any means of transport;

(*iv*) such nuclear material has been loaded, with the written consent of that operator, on the means of transport by which it is to be carried from the territory of a foreign State.

(*2*) Where more than one operator is liable for nuclear damage, the liability of the operators so involved shall, in so far as the damage attributable to each operator is not separable, be joint and several:

Provided that the total liability of such operators shall not exceed the extent of liability specified in the Second Schedule.

(*3*) Where several nuclear installations of one and the same operator are involved in a nuclear incident, such operator shall, in respect of each such nuclear installation, be liable to the extent of liability specified in the Second Schedule.

(*4*) For the purposes of this section,—

(*a*) where nuclear damage is caused by a nuclear incident occurring in a nuclear installation on account of temporary storage of material-in-transit in such installation, the person responsible for transit of such material shall be deemed to be the operator;

(*b*) where a nuclear damage is caused as a result of nuclear incident during the transportation of nuclear material, the consignor shall be deemed to be the operator;

(*c*) where any written agreement has been entered into between the consignor and the consignee or the consignor and the carrier of nuclear material, as the case may be, the person liable for any nuclear damage under such agreement shall be deemed to be the operator;

(*d*) where both nuclear damage and damage other than nuclear damage have been caused by a nuclear incident or, jointly by a nuclear incident and one or more other occurrences, such other damage shall, to the extent it is not separable from the nuclear damage, be deemed to be a nuclear damage caused by such nuclear incident.

Operator not liable in certain circumstances.

12. (*1*) An operator shall be liable for any nuclear damage except the damage caused by a nuclear incident due to—

(*a*) a grave natural disaster of an exceptional character; or

(*b*) an act of armed conflict, hostility, civil war, insurrection or terrorism:

Provided that an operator shall not be liable for any nuclear damage caused to,—

(*i*) the nuclear installation itself and any other nuclear installation including a nuclear installation under construction, on the site where such installation is located;

(*ii*) any property on the same site which is used or to be used in connection with any such installation; or

(*iii*) the means of transport upon which the nuclear material involved was carried at the time of nuclear incident.

(*2*) Where any nuclear damage is suffered by a person on account of his own negligence or from his own acts of commission or omission, the operator shall not be liable to such person.

Limits of liability for nuclear incident.

13. (*1*) The maximum amount of liability in respect of each nuclear incident shall be the rupee equivalent of three hundred million Special Drawing Rights or such higher amount as the Central Government may, by notification, specify.

(*2*) The maximum amount of liability of an operator in respect of each nuclear incident for different categories of nuclear installation shall be as specified in the Second Schedule:

Provided that the amount of liability shall not include any interest or cost of proceedings.

(*3*) The Central Government may take additional measures, where necessary, if the compensation to be awarded under this Act exceeds the amount specified under sub-section (*1*), including seeking funds under the Convention on Supplementary Compensation for Nuclear Damage signed at Vienna on the 27th day of October, 2010 to which the Republic of India is a signatory.

Explanation.—For the purposes of this section, the expression "Special Drawing Rights" means an international reserve asset created by International Monetary Fund the value of which is determined and allocated by it to the member countries.

Liability of Central Government.

14. (*1*) The Central Government shall be liable for nuclear damage in respect of a nuclear incident—

(*a*) where the liability exceeds the amount of liability of an operator specified in the Second Schedule, to the extent such liability exceeds the liability of the operator;

(*b*) occurring in a nuclear installation owned by it; and

(*c*) occurring on account of causes specified in sub-section (*1*) of section 12:

Provided that the Central Government may, by notification, assume full liability for a nuclear installation not operated by it if it is of the opinion that it is necessary in the public interest to do so.

(*2*) For the purpose of meeting its liability under clause (*a*) or clause (*c*) of sub-section (*1*), the Central Government may establish a fund to be called the Nuclear Liability Fund, in such manner, as may be prescribed.

Operator to maintain insurance or financial securities.

15. (*1*) The operator shall, before operation of nuclear installation, obtain an insurance policy or such other financial security or combination of both, covering the liability specified in the Second Schedule and in such manner as may be prescribed.

(*2*) The operator shall from time to time renew the insurance policy or other financial security before the expiry of the period of validity thereof.

(*3*) The provisions of this section shall not apply to a nuclear installation owned by the Central Government.

Operator's right of recourse.

16. The operator of the nuclear installation, after paying the compensation for nuclear damage as specified in the Second Schedule, shall have a right of recourse where—

(*a*) such right is expressly provided for in a contract in writing; or

(*b*) the nuclear incident has occurred as a result of commission or omission of an individual with an intention to cause nuclear damage.

CHAPTER IV

Atomic Energy Regulatory Board

Constitution of Atomic Energy Regulatory Board.

33 of 1962.

17. (*1*) The Atomic Energy Regulatory Board constituted by exercising the power under section 27 of the Atomic Energy Act, 1962 shall be deemed to have been constituted under this Act.

(*2*) The Board shall consist of a Chairperson, a Whole-time Member and Part-time Members not exceeding seven, to be appointed by the Central Government, by notification, to exercise the powers conferred upon, and to perform the functions assigned to it under this Act.

(*3*) The Chairperson and Members of the Board shall be appointed from amongst persons of ability, integrity and standing and their qualifications, experience and other terms and conditions of service including age limit, shall be such as may be prescribed:

Provided that the Chairperson and a Whole-time Member of the Board shall be a person of eminence in the field of nuclear energy.

(*4*) The Chairperson and Members of the Board shall be appointed by the Central Government on the recommendations of a search-cum-selection committee to be constituted by the Atomic Energy Commission:

Provided that the search-cum-selection committee constituted for selection of the Members of the Board shall include the Chairperson of the Board as one of its Members.

(*5*) The procedure to be followed by the search-cum-selection committee for recommending the names under sub-section (*3*) shall be such as may be prescribed.

(*6*) The Chairperson shall have such financial and administrative powers as may be notified by the Central Government for the autonomous functioning of the Board.

Terms and conditions of service of Chairperson and Members of Board.

18. (*1*) The Chairperson and Members of the Board shall hold office for a period of three years from the date on which they enter upon office which may be extended for a further period not exceeding three years at a time, as may be notified by the Central Government.

(*2*) The Chairperson and Members of the Board holding the office as such immediately before the commencement of this Act shall be deemed to have been appointed under this Act and their terms and conditions of service shall be governed by the provisions of this Act.

(*3*) The Chairperson or the Whole-time Member who was in service of the Central Government, shall be deemed to have retired from service on the date on which he enters upon office as such, but his subsequent service as the Chairperson or Whole-time Member shall be reckoned as continuing approved service counting for pension in service to which he belonged.

(*4*) The Chairperson and Members of the Board shall not—

(*a*) communicate, during holding of office as such or thereafter or reveal to any person any matter which has been brought under their consideration or knowledge while acting as such;

(*b*) accept, during their term and for a period of two years from the date on which they cease to hold office, any employment with any person who has been granted a licence or safety authorisation under this Act.

Resignation and removal of Chairperson or Member of Board.

19. (*1*) The Chairperson or any Member of the Board may relinquish their office by giving a prior notice in writing under his hand addressed to the Central Government, of not less than three months.

(*2*) The Central Government shall remove from office the Chairperson or a Member of Board, who—

(*a*) has been adjudged an insolvent;

(*b*) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude;

(*c*) has become physically or mentally incapable of acting as Chairperson or a Member;

(*d*) has acquired such financial or other interest as is likely to affect prejudicially his functions as Chairperson or a Member; or

(*e*) has so abused his position as to render his continuance in office detrimental to the public interest:

Provided that no Chairperson or Member shall be removed under clause (*d*) or clause (*e*) unless he has been given an opportunity of being heard in the matter.

Filling up vacancies of Board.

20. The Central Government shall, from the date of occurrence of any vacancy by reason of death, resignation or removal of the Chairperson or the Members of the Board make a reference to the search-cum-selection committee for the filling of the post within a period of three months.

Meetings of Board.

21. The Board shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings, including quorum, as may be specified by regulations.

Vacancies, etc., not to invalidate proceedings of Board.

22. No act or proceeding of the Board shall be invalid merely by reason of—

(*a*) any vacancy in, or any defect in the constitution of the Board;

(*b*) any defect in the appointment of a person acting as a Member of the Board; or

(*c*) any irregularity in the procedure of the Board not affecting the merits of the case.

Officers and employees of Board.

23. (*1*) The Board shall determine the number, nature and categories of officers and other employees as it considers necessary, for the efficient discharge of its functions and exercise of its powers under this Act and the Central Government shall provide the Board with such officers and other employees.

(*2*) The salaries, allowances, incentives, entitlements and other conditions of service of officers and employees of the Board referred to in sub-section (*1*) shall be such as may be prescribed.

(*3*) The Board may, subject to such terms and conditions as may be specified by the Central Government, appoint such number of consultants or experts, as it may consider necessary, for the efficient discharge of its functions under this Act.

(*4*) The Chairperson shall nominate one of the officers of the Board having at least twenty years of experience in nuclear science and technology, to serve as a Secretary of the Board.

(*5*) The Chairperson, Members, Secretary, officers and other employees of the Board shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants in accordance with clause (*28*) of section 2 of the Bharatiya Nyaya Sanhita, 2023.

45 of 2023.

Powers and functions of Board.

24. (*1*) The Board may take such measures as it may consider necessary, for the purposes of ensuring that the use of radiation and nuclear energy is safe for the health of the workers, the public and the environment.

(*2*) The Central Government may, if required for the purposes of this Act, provide the Board with access to research centres, academic institutions, research laboratories, experimental facilities, training facilities, technical and scientific support, expertise related to nuclear and radiation technology and related safety aspects.

(*3*) The Board may,—

(*a*) notify the limits of radiation exposure to the workers and the public and specify limits for radioactive releases and discharges to environment;

(*b*) devise and implement policies and programmes for—

(*i*) radiation safety and nuclear safety including security aspects having bearing on safety;

(*ii*) occupational health and safety aspects of the workers in relation to factories entrusted to it under section 42;

(*c*) frame safety standards and safety codes and such other regulatory documents for—

(*i*) safety in design, siting, construction, commissioning, operation and decommissioning of nuclear and radiation facilities;

(*ii*) quality assurance, management system, emergency preparedness and response, radiation protection and radioactive waste management;

(*iii*) safety in storage and transportation of radioactive substance or material;

(*iv*) qualification, training and recognition of qualified or certified personnel employed in facilities handling prescribed substance or radioactive substance;

(*v*) safe working conditions for occupational workers including pre-employment and periodical medical examination;

(*vi*) any other matter as the Board may consider necessary;

(*d*) make recommendations to the Central Government for suspension, modification, cancellation or curtailment of the duration of the licence;

(*e*) frame regulations for,—

(*i*) the grant of safety authorisation during various stages of the life time of nuclear and radiation facilities and associated activities including type approval to design of radiation equipment, authorisation for storage, transfer and disposal of radioactive wastes, approval of package and shipment of radioactive consignments;

(*ii*) the recognition and certification of persons for performing the tasks or carrying out the functions entrusted to them, in or in relation to, a facility,

and establish suitable mechanism for its implementation;

(*f*) specify the criteria for reporting of nuclear incidents, and within a period of fifteen days from the date of occurrence of such nuclear incidents, provide its recommendations to the Central Government for notifying such incidents under section 26;

(*g*) ensure high quality safety management at all places where nuclear and radiation related activities are carried out;

(*h*) ensure transparency by a planned public outreach and engagement with interested parties on matters relating to nuclear safety without disclosing restricted information under section 39;

(*i*) strive to be a knowledge organisation with state-of-the-art scientific capabilities in the domain of its responsibilities;

(*j*) arrange for or conduct research in areas relevant to its functions and develop linkages with technical support organisations;

(*k*) interact with international organisations engaged in activities relevant to the functions of the Board with due governmental approvals;

(*l*) recognise agencies, institutes, and testing and calibration laboratories;

(*m*) advise the Central Government with respect to—

(*i*) safety of public and the environment;

(*ii*) any radiological surveillance of environment;

(*iii*) preparedness in response to nuclear and radiation emergencies;

(*n*) exempt from the requirement of safety authoritsation, by notification, subject to such conditions specified therein, any radioactive material, any class or classes of radioactive material or any radiation generating plant;

(*o*) engage with the institutions, laboratories, agencies, technical support organisations, industries, specialists, individual experts and professionals of integrity and outstanding ability, who have expertise in scientific, technical, sociological, legal, public communication, and such other disciplines related to nuclear, radiation and industrial safety;

(*p*) coordinate with any other regulator or authority and enter into Memorandum of Understanding with such regulator or authority for the effective discharge of its functions;

(*q*) constitute advisory or such other committees consisting of domain experts and delegate such powers to the committee as it deems necessary, except the power to frame regulations or issue regulatory documents; and

(*r*) exercise such other powers and perform such other functions as may be prescribed.

(*4*) The Board may issue such directions to the holders of safety authorisations and other persons, as it may consider necessary, in the interests of safety.

Regulation of activities of strategic nature.

25. (*1*) The Central Government, in addition to the activities specified in sub-section (*5*) of section 3, for the purposes of national defence and security, may carry out certain activities and for the said purpose, exempt from the authority of the Board, any prescribed substance or radioactive substance or facilities and activities along with premises, assets and areas associated with such substance, facilities or activities.

(*2*) The Central Government may, for the purposes of sub-section (*1*) or for the design and development of advance nuclear reactor, by order, constitute one or more regulatory bodies to exercise the powers and discharge the functions relating to safety, security, safeguards, licensing and such other matters in respect of the jurisdiction, as may be specified in the order.

(*3*) The regulatory bodies constituted under sub-section (*2*), shall report to the Central Government the release of radiation or radioactive material exceeding the authorised limits from the facilities and activities within their respective jurisdiction specified in the order under sub-section (*2*).

(*4*) The Central Government may take such measures as may be considered necessary and expedient in the public interest, for—

(*a*) securing safety of public and environment from all radiation exposure situations; and

(*b*) safe disposal of radioactive wastes or disused or orphan or legacy radiation sources or incidental radioactive material.

Notification of nuclear incident.

26. Upon the receipt of recommendations from the Board under clause (*f*) of sub-section (*3*) of section 24, the Central Government shall, within a period of ten days, notify the nuclear incident:

Provided that where the Central Government is satisfied that the gravity of the threat and risk involved in a nuclear incident is insignificant, it shall not be required to notify such nuclear incident.

Delegation and review by Board.

27. (*1*) The Board may, by order, delegate to the Chairperson or Whole-time Member or its officer or officer of the State Government not below the rank of a Director, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions, except the power to frame regulations and issue regulatory documents, as it may deem necessary.

(*2*) Any person aggrieved by an order or decision of the Chairperson or Whole-time Member or officer to whom powers have been delegated under sub-section (*1*), may file an application to the Board for review of that order or decision in such manner as may be specified by regulations.

CHAPTER V

INSPECTION, INVESTIGATION, SEARCH AND SEIZURE

Entry and inspection.

28. (*1*) Any person authorised by the Central Government or the Board, including their officers and employees at sites, may enter and inspect at all reasonable hours,—

(*a*) any facility or mine licensed under this Act;

(*b*) any mine, premises, plant, facility or land or any vehicle, vessel or aircraft, where he has reason to believe that work is being carried out for the purpose of or in connection with—

(*i*) the production and processing of any prescribed substance, radioactive substance or substances from which a prescribed substance can be obtained; or

(*ii*) the production, development or use of nuclear energy including manufacturing of prescribed equipment, systems, structures and components of a facility.

(*2*) The manner of carrying out inspection and verification for ascertaining compliance with the provisions of this Act, the rules or regulations made thereunder, any directions issued, or the terms of a licence and safety authorisation, shall be such as may be prescribed.

Conduct of investigation.

29. (*1*) The Central Government or the Board, upon—

(*a*) a complaint by any person;

(*b*) occurrence of a nuclear or radiological event;

(*c*) review of returns or reports received under clause (*c*) of sub-section (*3*) of section 10; or

(*d*) findings of inspection conducted under section 28,

may carry out an investigation where it has reasonable grounds to believe that—

(*i*) there has been violation of the terms of a licence or safety authorisation or any provision of this Act, the rules or regulations made or directions issued thereunder; or

(*ii*) the activities are being conducted in a manner detrimental to safety, security or the implementation of safeguards.

(*2*) The manner of conduct of investigation under sub-section (*1*), shall be such as may be prescribed.

(*3*) The Central Government or the Board may cause the expenses of an inspection and investigation under this section to be borne by the licensee or the holder of a safety authorisation or other persons, as the case may be.

Search and seizure.

30. (*1*) Where the Central Government or the Board has reasonable grounds to believe that—

(*a*) any person who under this Chapter is required to produce, or cause to be produced, any books, registers, documents, records, data, plant or material in his custody or power, is likely to omit or fail or has omitted or failed to so produce;

(*b*) any such books, registers, documents, records, data, plant, or material are likely to be tampered with, altered, mutilated, manufactured, falsified or destroyed; or

(*c*) any provision of this Act has been, or is likely to be, violated by a licensee or holder of a safety authorisation or by any other person,

it may authorise any of its officer to conduct a search of any place, building or facility and seize any such books, registers, documents, records, data, plant, or material referred to in clause (*a*).

(*2*) The manner of carrying out search and seizure under sub-section (*1*) shall be such as may be prescribed.

(*3*) The officer conducting the search may requisition the services of any police officer or of any officer of the Central Government, or of both, as the case may be, for assistance related to any of the purposes covered in sub-section (*1*) and it shall be the duty of every such police officer or officer to comply with such requisition.

Action taken pursuant to investigation, search or seizure.

31. (*1*) On conclusion of the investigation or search or seizure under this Chapter and after giving an opportunity to the holder of a safety authorisation or such other person to make a representation, the Board may take such measures as may be considered necessary to enforce compliance with safety requirements and to prevent further injury to persons or damage to property or environment from exposure to radiation or contamination by radioactive substances.

(*2*) The measures referred to in sub-section (*1*) shall include,—

(*a*) sealing the equipment, facility, mine, plant, premises, place, vehicle, vessel or aircraft;

(*b*) imposing requirements, prohibitions or restrictions on employers, employees or other persons;

(*c*) issuing such directions to licensees, holders of safety authorisations or other persons as it may consider necessary in the interests of safety;

(*d*) issuing directions to hand over the material or equipment to the Central Government;

(*e*) advising the Central Government to take control of the radioactive material, equipment, plant, facility or mine if the owner thereof cannot be identified;

(*f*) derecognising or decertifying any recognised or certified personnel.

(*3*) On conclusion of the investigation or search or seizure under this Chapter and after giving an opportunity to the licensee to make a representation, the Central Government shall have the power to seal any premises and seize, retain and dispose of any article or take control over any material or plant, if it has reasonable grounds to believe that a violation of this Act or of any rules, regulations, security measures or safeguards has occurred.

(*4*) Without prejudice to the generality of the foregoing powers, the Central Government or the Board may, by an order in writing,—

(*a*) issue a warning to the licensee or holder of safety authorisation or other person, if the business or activities are likely to violate the terms of the licence or safety authorisation or the provisions of this Act;

(*b*) require the licensee or holder of safety authorisation or other person, to,—

(*i*) cease and desist from committing or causing any violations of the terms of the licence or safety authorisation or the provisions of this Act;

(*ii*) modify its business or activities for ensuring compliance with the terms of the licence or the safety authorisation or the provisions of this Act;

(*iii*) take any such action in respect of any matter arising out of the investigation as the Central Government or the Board may think fit;

(*c*) temporarily suspend or discontinue the business or activities of the licensee or the holder of safety authorisation, or any other person found to be in violation of the terms of the licence or safety authorisation or any provision of this Act;

(*d*) modify, suspend, cancel or curtail the duration of any licence or safety authorisation in accordance with section 8.

CHAPTER VI

GENERAL POWERS AND FUNCTIONS OF CENTRAL GOVERNMENT

General powers and functions of Central Government.

32. (*1*) The Central Government shall have powers to frame—

(*a*) the National Nuclear Energy Policy consistent with the National Electricity Policy prepared under section 3 of the Electricity Act, 2003; 36 of 2003.

(*b*) the National Policy for Safety, Security and Safeguards;

(*c*) the National Policy for Management of Spent Fuel and Radioactive Waste;

(*d*) policies for quality assurance and quality control of facilities including their manufacturing and construction; and

(*e*) such other policies as may be considered necessary for the purposes of discharging its functions under this Act.

(*2*) The Central Government may create such funds as may be considered necessary for the purposes of carrying out the provisions of this Act.

(*3*) The Central Government may do all such things including establishing Directorates, Wings and Divisions under it, as it may deem necessary or expedient for the purposes of exercising any of its powers or discharging any of its functions under this Act.

(*4*) Without prejudice to any other functions assigned to it under this Act, the Central Government shall perform the following functions, namely:—

(*a*) formulating strategies for policies framed under sub-section (*1*) and overseeing their implementation;

(*b*) providing services related to environmental surveillance, personnel monitoring, dosimetry and other matters related to radiological protection;

(*c*) coordinating and supporting Government agencies to ensure nuclear and radiological emergency preparedness and response.

Vesting of acquisition rights in certain cases.

33. (*1*) Notwithstanding anything contained in any other law for the time being in force, the acquisition rights shall vest exclusively with the Central Government in respect of the following, namely:—

(*a*) any prescribed substance;

(*b*) any mine or mineral or material or right to work on such mine or mineral from which, in the opinion of the Central Government, any of the prescribed substance can be obtained;

(*c*) any radioactive substance;

(*d*) any prescribed equipment; or

(*e*) any plant designed or adapted for—

(*i*) the mining or processing of prescribed substances or any minerals from which prescribed substances can be obtained;

(*ii*) the production or use of any prescribed substance or radioactive substance; or

(*iii*) the production, use or disposal of such substance as are likely to be required for or in connection with the production, use or disposal of nuclear energy or for research into matters connected therewith.

(*2*) In case a plant or any reactor is abandoned at any stage after its commissioning or after the initial nuclear fuel loading, regardless of cause, all acquisition rights shall vest in the Central Government, including assets thereof free from all encumbrances.

(*3*) The manner in which acquisition shall be carried out in this section shall be such as may be prescribed.

(*4*) The compensation payable in respect of acquisition under this section shall be determined and paid in accordance with section 36.

(*5*) No acquisition of any mine or mineral, concentrate, other material, substance, equipment or plant under this section shall be deemed to be a sale for any purpose whatsoever.

(*6*) Upon acquisition of any plant or reactor under this section, the Central Government shall take such measures as may be necessary, for—

(*a*) the development and safe operation of the plant;

(*b*) the disposal of the prescribed substance;

(*c*) spent fuel management;

(*d*) waste management; and

(*e*) decommissioning, decontamination or dismantling of the plant and site remediation,

and levy such cost on the licensee for any of the aforesaid activities as it may deem fit.

Requisitioning of certain substances.

34. (*1*) The Central Government shall have the right to require any substance, which in its opinion, contains uranium, thorium, plutonium or any of their isotopes or any other source material or fissile material, to be delivered to it and the Central Government may extract from that substance the uranium, thorium, plutonium or any of their isotopes or such other source material or fissile material contained therein and return the substance to the person concerned on payment of compensation as determined in accordance with section 36.

(*2*) Nothing in this section shall prevent the Central Government from permitting, subject to such conditions as it may deem fit to impose, the use of small quantities of natural uranium or thorium in excess of the exempt quantities notified under section 44, as may be determined by the Central Government to be necessary for the purpose of examination, test, analysis or any other non-nuclear applications.

Novation of contracts.

35. (*1*) The Central Government may serve on the parties to a contract, not being a contract for rendering of personal services, relating to—

(*a*) prospecting or mining of any substance from which uranium or thorium or other prescribed substance can be obtained;

(*b*) production or use of nuclear energy; or

(*c*) research into matters connected to clause (*a*) or clause (*b*),

a notice in writing stating that on such date as may be specified therein, the rights and liabilities of any of the parties to such contract shall be transferred to the Central Government.

(*2*) A notice served under sub-section (*1*) shall specify the time and manner for making an objection and the Central Government shall provide the person making the objection an opportunity to appear and be heard by an officer authorised by it for the purpose who shall hear the matter and submit a report thereon to the Central Government.

(*3*) Upon receipt of the report under sub-section (*2*), the Central Government may pass such order as it may deem fit.

(*4*) With effect from the date specified in the notice served under sub-section (*1*) and subject to the order passed under sub-section (*3*),—

(*a*) the contract shall operate as if the Central Government were a party in place of the person whose rights and liabilities have been transferred to it; and

(*b*) every reference in the contract to that person shall be deemed a reference to the Central Government, in respect of the rights exercisable, or liabilities incurred, on or after that date.

(*5*) Where the rights and liabilities of a party to a contract are transferred to the Central Government under this section, there shall be paid a compensation in respect of any loss suffered by that party, as may be agreed between that party and the Central Government.

Determination of compensation for acquisition, requisition, prohibition, etc.

36. (*1*) Where any compensation is payable under this Act for the acquisition of any right for working of mines or minerals or acquisition or requisition of any mineral, concentrates, other material, equipment or plant or mine or the prohibitions or conditions imposed or works related to discovery of minerals, the Central Government shall, while determining the amount of such compensation, have regard to,—

(*a*) in the case of compensation payable for the purpose of discovering uranium or thorium under sub-section (*1*) of section 5,—

(*i*) the nature of the work done;

(*ii*) the manner, extent and duration of such discovery;

(*iii*) the diminution in the rent of the land and of the property situated at the site of such discovery, which might reasonably be expected over any period; or

(*iv*) the diminution in the market value of the land and property on the date of such discovery;

(*b*) in the case of compensation payable for the compulsory acquisition or requisition of any plant, mine, substance or equipment under section 33 or section 34, the price which the owner might reasonably have been expected to obtain on a sale of the property effected by him immediately before the date of the acquisition or the requisition;

(*c*) where the amount of compensation is fixed by an agreement, it shall be paid in accordance with such agreement.

(*2*) For the purposes of compensation under sub-section (*1*),—

(*a*) the value of uranium, thorium, plutonium or any of their isotopes, contained in any substance or material including the cost of transportation shall not form part of the compensation;

(*b*) the value shall not exceed the cost incurred by the person in the production, mining or irradiation of the substance.

Special provision as to electricity.

37. (*1*) Notwithstanding anything contained in the Electricity Act, 2003, the Central Government shall fix the tariff for supply of electricity from nuclear power plants based on such norms and mechanisms as may be specified by it by notification. 36 of 2003.

(*2*) While specifying the norms and mechanisms under sub-section (*1*), the Central Government shall have regard to the cost of fuel, cost of spent fuel management, decommissioning cost and such other services or factors as may be deemed necessary.

Special provisions as to inventions.

38. (*1*) The Central Government may grant patents for inventions which in its opinion are for the peaceful uses of nuclear energy and radiation:

Provided that the inventions relating to activities specified in sub-section (*5*) of section 3, or which in the opinion of the Central Government, are sensitive in nature or having national security implications, shall not be patentable and such invention shall be deemed to have been made or conceived by the Central Government.

(*2*) Any person desirous of obtaining a patent in relation to an invention under this section shall make an application to the Controller under the Patents Act, 1970. 39 of 1970.

(*3*) If a question arises as to whether an invention is related to any of the activities specified in sub-section (*5*) of section 3 or is sensitive in nature or having national security implications, the Controller shall refer the application to the Central Government for seeking direction thereon.

(*4*) The Central Government may issue directions to the Controller in relation to any patent application under this Act.

(*5*) Any person who has reason to believe that an invention made by him is related to nuclear energy shall communicate the Central Government of its nature and description before disclosing to any third party.

(*6*) Any application for a patent outside India shall be governed by section 39 of the Patents Act, 1970.

39 of 1970.

(*7*) The Central Government shall have the power to inspect at any time any pending patent application and specification before its acceptance and if it considers that the invention does not relate to the activities referred to in sub-section (*1*), issue directions to the Controller to refuse the application on that ground.

Explanation.—For the purposes of this section, "Controller" means the Controller General of Patents, Designs and Trademarks within the meaning of the Patents Act, 1970.

39 of 1970.

Restricted information.

39. (*1*) The Central Government may, by order, declare any information, which is not in public domain and which in its opinion is detrimental to national security or public interest, relating to the following, as restricted information, namely:—

(*i*) the location, quality and quantity of prescribed substance and transactions for their acquisition whether by purchase or otherwise, or disposal, whether by sale or otherwise;

(*ii*) the processing of prescribed substance and the extraction or production of fissile materials from them;

(*iii*) the theory, design, siting, construction and operation of nuclear power plant or reactor or plants for the treatment and production of any of the prescribed substance and for the separation of its isotopes;

(*iv*) research and technological work on materials and processes involved in or derived from items covered by this sub-section;

(*v*) submissions made available to the Board or other regulatory bodies during the course of their work and declared as strategic, sensitive or confidential for business purpose by the applicant; and

(*vi*) all activities referred to in the proviso to sub-section (*1*) of section 38,

whether contained in a document, drawing, photograph, plan, model, or in any other form whatsoever, which relates to, represents, or illustrates—

(*i*) an existing or proposed plant used or proposed to be used for the purpose of producing, developing, or using nuclear energy; or

(*ii*) the purpose or method of operation of any such existing or proposed plant; or

(*iii*) any process operated or proposed to be operated in such existing or proposed plant.

(*2*) No person shall—

(*a*) disclose or obtain or attempt to obtain any restricted information; or

(*b*) disclose, without authority of the Central Government, any information obtained in the discharge of any functions or performance of official duties under this Act.

(*3*) The Central Government may, by notification, prohibit the publication in any form whatsoever of restricted information or any other information as may be specified therein.

22 of 2005.

(*4*) Notwithstanding anything contained in the Right to Information Act, 2005, the information declared as restricted information or prohibited under this section shall be debarred from disclosure under the provisions of that Act.

Prohibited areas.

40. The Central Government may, by order,—

(*a*) declare any premises as prohibited area where work including research, design or development is carried on in respect of the production, processing, use, application or disposal of nuclear energy or of any prescribed substance;

(*b*) prohibit—

(*i*) the entry of any person, without obtaining permission, into a prohibited area; or

(*ii*) any person from taking, without permission, any photograph, sketch, pictures, drawing, map or other document from a prohibited area and any permission, if given, may be subject to such conditions which the Central Government may consider necessary.

Power to obtain information regarding materials, facilities or processes.

41. The Central Government may, by notice in writing, require any person to submit to it such periodical and other returns, or statements at such times and containing such particulars and accompanied by such plans, drawings and other documents as may be specified in the notice relating to—

(*a*) any prescribed substance in the possession or under the control or present in or on any land or mine owned or occupied by such person, which in the opinion of the Central Government, is or can be a source of any of the prescribed substances, including returns in respect of any such land or mine;

(*b*) any facility in his possession or under his control designed for mining or processing of minerals, or adapted for the production or use of nuclear energy or research into matters connected therewith;

(*c*) any contract entered into or any licence granted by or to such person for prospecting or mining of minerals or production or use of nuclear energy or research into matters connected therewith;

(*d*) any information in possession of such person for any work carried out by or on behalf or under the directions of such person, in connection with prospecting or mining of minerals so specified or the production or use of nuclear energy or research into matters connected therewith; and

(*e*) any other information as the Central Government deems necessary for the purpose of discharging its functions under this Act.

Administration of Occupational Safety, Health and Working Conditions Code, 2020.

42. Notwithstanding anything contained in the Occupational Safety, Health and Working Conditions Code, 2020, the authority to administer the said Act, including the appointment of inspecting staff and the making of rules thereunder shall vest in the Central Government in relation to any factory belonging to it or a company fully owned or controlled by it and engaged in carrying out the purposes of this Act: 37 of 2020.

Provided that the Central Government may, by notification, delegate to the Board the authority to administer the provisions of the Occupational Safety, Health and Working Conditions Code, 2020, except the power to make rules, relating to health and safety of the workers, as may be specified in that notification. 37 of 2020.

Delegation of powers.

43. The Central Government may, by notification, direct that any power or function which may be exercised or performed by it under this Act, except the power to make rules, shall, in relation to such matters and subject to such conditions, if any, as it may specify in the notification, be exercised or performed also by—

(*a*) such officer or authority subordinate to the Central Government; or

(*b*) such State Government or such officer or authority subordinate to a State Government,

not below the rank of a Director, as may be specified in the notification.

Power of exemption.

44. Notwithstanding anything contained in this Act, the Central Government may, with the prior approval of the Atomic Energy Commission, by notification, and for the reasons specified therein, exempt any plant, facilities, prescribed substance or quantity of prescribed substance or prescribed equipment and technology from the requirements of licence or liability or any provisions of this Act, if it is of the opinion that the risk involved is insignificant.

Power to issue directions.

45. (*1*) The Central Government, for ensuring compliance with the provisions of this Act, may issue such directions as it deems necessary to any licensee or any other person, whether generally or specifically, and every such licensee or person shall be bound to comply with such directions.

(*2*) No direction shall be issued under sub-section (*1*) unless the Central Government has given a reasonable opportunity of being heard to the licensee or the person concerned.

Emergency powers.

46. (*1*) In the event of a national emergency declared under article 352 of the Constitution, the Central Government shall—

(*a*) have the authority to assume control over the nuclear and radiation facilities, materials, equipment and related products, without limitation; and

(*b*) take such measures as it considers necessary or expedient for the exercise of the powers conferred under this section.

(*2*) Any person affected by the action of the Central Government under sub-section (*1*) shall be entitled to compensation as may be determined under section 36.

CHAPTER VII

REVIEW APPLICATIONS AND APPEALS

Establishment of Atomic Energy Redressal Advisory Council.

47. (*1*) With effect from such date as the Central Government may, by notification, appoint, there shall be established a Council to be known as the Atomic Energy Redressal Advisory Council.

(*2*) The Council shall consist of the following Members, *ex officio*, namely:—

(*a*) Chairperson of the Atomic Energy Commission—Chairperson;

(*b*) Director of the Bhabha Atomic Research Centre—Member;

(*c*) Chairperson of the Atomic Energy Regulatory Board—Member; and

(*d*) Chairperson of the Central Electricity Authority—Member.

(*3*) The Council may invite technical experts, not exceeding three, to the meetings of the Council for their expert advice subject to such terms and conditions as may be prescribed.

(*4*) The Council shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings, including quorum as may be prescribed.

Redressal of disputes by Council.

48. (*1*) Any licensee or holder of safety authorisation or any person aggrieved by an order or decision of the Central Government or the Board under this Act including fixation of tariff under section 37 may submit an application for review to the Council.

(*2*) The Council shall examine—

(*a*) the review application submitted under sub-section (*1*) and facilitate re-conciliation and settlement of disputes by an order in writing;

(*b*) any matter or complaint referred by the Board or the Central Government to determine if the act or omission is a fit case for the purpose of complaint under section 74 and pass an order in writing;

(*c*) any other matter requiring redressal other than matters related to compensation.

(*3*) Before passing any order under sub-section (*2*), the Council shall take into account the significance and repeated nature of the contravention, or wilful violation or severity of damages caused due to deliberate violations.

Appellate Tribunal.

49. (*1*) The Appellate Tribunal for Electricity established under section 110 of the Electricity Act, 2003, shall be the Appellate Tribunal for the purposes of this Act. 36 of 2003.

(*2*) The Appellate Tribunal may hear and dispose of—

(*a*) any appeal filed under sub-section (*1*) of section 51;

(*b*) any other matter as may be notified by the Central Government within the purview of the Appellate Tribunal.

Technical Members of Appellate Tribunal.

50. (*1*) For the purposes of this Act, the Appellate Tribunal for Electricity, in addition to its existing composition shall consist of such number of Technical Members not exceeding two, to be known as Technical Member (Atomic Energy) having expertise in matters related to nuclear energy and of such rank as may be notified by the Central Government.

(*2*) The Technical Member (Atomic Energy) shall be appointed from a panel prepared by the search-cum-selection committee with such composition and in such manner as may be prescribed.

(*3*) The term of office, the salaries and allowances payable to, and other terms and conditions of service of the Technical Member (Atomic Energy) shall be the same as applicable to the other members of the Appellate Tribunal.

Appeals.

51. (*1*) Any person aggrieved by an order of the Council under section 48 or penalty imposed by the adjudicating officer under section 70 may file an appeal before the Appellate Tribunal in such form and manner and accompanied by such fee, as may be prescribed.

(*2*) Any appeal to the Appellate Tribunal shall be preferred within a period of thirty days from the date on which a copy of the order referred to in sub-section (*1*) is received by the appellant:

Provided that the Appellate Tribunal may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within the stipulated period.

(*3*) On receipt of an appeal under this section, the Appellate Tribunal may, after giving the parties an opportunity of being heard, pass such orders thereon as it thinks fit.

(*4*) The Appellate Tribunal shall send a copy of every order passed by it to the parties and to the Council or the adjudicating officer, as the case may be.

(*5*) The Appellate Tribunal may, for the purposes of examining an appeal under this section, on its own motion or otherwise, call for the records relevant for the disposal of such appeal.

Appeals to Supreme Court.

52. Any person aggrieved by any order of the Appellate Tribunal, may file an appeal before the Supreme Court, within sixty days from the date of communication of the order appealed against:

Provided that the Supreme Court may entertain the appeal after the expiry of the said period of sixty days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

CHAPTER VIII

COMPENSATION FOR NUCLEAR DAMAGE

Territorial jurisdiction for claims for nuclear damage.

53. Any compensation for nuclear damage suffered may be claimed, if the nuclear damage has occurred—

(*a*) within the territory of India;

(*b*) in or over the maritime areas beyond the territorial waters of India—

(*i*) on a ship registered in India under the Merchant Shipping Act, 1958 or under any other law for the time being in force; or

44 of 1958.

(*ii*) on an aircraft registered in India under the Bharatiya Vayuyan Adhiniyam, 2024 or under any other law for the time being in force; or

16 of 2024.

(*iii*) on an artificial island, installation, or structure under the jurisdiction of the Republic of India; or

(*c*) in or over the exclusive economic zone of India or on the continental shelf of India within the meaning of section 7 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976; or

80 of 1976.

(*d*) in the territory of a foreign State resulting from a nuclear incident in India, if at the time of such nuclear incident, the foreign State—

(*i*) has no nuclear installation in its territory or its maritime zones established in accordance with international law; or

(*ii*) is a party to one of the international conventions on civil nuclear liability.

Claims Commissioner.

54. (*1*) Whoever suffers nuclear damage shall be entitled to claim compensation in accordance with the provisions of this Act.

(*2*) For the purposes of adjudicating upon claims for compensation in respect of nuclear damage, the Central Government shall, within such period not exceeding thirty days from the date of notification of nuclear incident under section 26, designate by notification, one or more officers not below the rank of Joint Secretary to the Government of India, as Claims Commissioner for such area and subject to such terms and conditions, as may be specified in that notification.

Inviting application for claims.

55. Upon the notification of nuclear incident under section 26, the Claims Commissioner designated for the area shall cause wide publicity to be given in such manner as may be deemed fit, for inviting applications for claiming compensation for nuclear damage.

Establishment of Nuclear Damage Claims Commission.

56. Where the Central Government, having regard to the extent and severity of the nuclear damage is of the opinion that it is expedient in public interest that claims for such damage be adjudicated by a Claims Commission instead of by Claims Commissioner, then, it may by notification, establish a Claims Commission to be called the Nuclear Damage Claims Commission for the purposes of such adjudication.

Composition of Claims Commission.

57. (*1*) The Claims Commission shall consist of a Chairperson and such other Members, not exceeding six, as the Central Government may, by notification, appoint.

(*2*) The Chairperson and other Members of the Claims Commission shall be appointed on the recommendations of a search-cum-selection committee consisting of three experts, from amongst persons having at least thirty years of experience in nuclear science, and a retired Supreme Court Judge.

(*3*) No person shall be qualified for appointment as the Chairperson of the Claims Commission unless such person is or has been a Judge of a High Court:

Provided that no appointment of a sitting judge shall be made except after consultation with the Chief Justice of India.

(*4*) No person shall be qualified for appointment as a Member unless such person—

(*a*) has held or is holding the post of Additional Secretary to the Government of India or any other equivalent post and possesses special knowledge in law; or

(*b*) has been a Claims Commissioner for five years.

Powers of Chairperson of Claims Commission.

58. The Chairperson shall have the power of superintendence and general administration of the Claims Commission and exercise such other powers as may be prescribed.

Terms and conditions of service of Chairperson and Members of Claims Commission.

59. (*1*) The Chairperson or a Member of the Claims Commission shall hold office as such for a term of three years from the date on which he enters upon his office and shall be eligible for re-appointment for another term of three years:

Provided that no person shall hold office as Chairperson or Member after he has attained the age of sixty-seven years.

(*2*) The salary and allowances and other terms and conditions of service of the Chairperson and Members of the Claims Commission shall be such as may be prescribed.

(*3*) A person who, immediately before the date of assuming office as a Chairperson or a Member, if—

(*a*) was in service of the Central Government, shall be deemed to have retired from service on the date on which he enters upon office as such, but his subsequent service as the Chairperson or a Member shall be reckoned as continuing approved service counting for pension in service to which he belonged;

(*b*) in receipt of or being eligible so to do, has opted to draw a pension, other than a disability or wound pension, in respect of any previous service under the Government of India, his salary in respect of service as the Chairperson or a Member shall be reduced—

(*i*) by the amount of that pension; and

(*ii*) if he had, before assuming office, received, *in lieu* of a portion of the pension due to him in respect of such previous service, the commuted value thereof, by the amount of that portion of the pension.

(*4*) The Chairperson or a Member of the Claims Commission shall not—

(*a*) act as an arbitrator or mediator in any matter while holding the office;

(*b*) appear, act or plead before the Claims Commission on ceasing to hold office.

Resignation and removal of Chairperson or Member of Claims Commission.

60. (*1*) The Chairperson or any Member of the Claims Commission may relinquish their office by giving a prior notice in writing to the Central Government, of not less than three months:

Provided that the Chairperson or the Member shall, unless permitted by the Central Government to relinquish office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as a successor enters upon the office or until expiry of their term of office, whichever is earlier.

(*2*) The Central Government shall remove from office the Chairperson or a Member of the Claims Commission, who—

(*a*) has been adjudged an insolvent;

(*b*) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude;

(*c*) has become physically or mentally incapable of acting as a Member;

(*d*) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Member; or

(*e*) has so abused their position as to render continuance in office detrimental to the public interest:

Provided that no Member shall be removed under clause (*d*) or clause (*e*) unless such Member has been given an opportunity of being heard in the matter.

Filling up vacancies of Claims Commission.

61. The Central Government shall, from the date of occurrence of any vacancy by reason of death, resignation or removal of the Chairperson or any Member of the Claims Commission, appoint another person in accordance with the provisions of this Act to fill such vacancy and the proceedings may be continued before the Claims Commission from the stage at which it was, before the vacancy is filled.

Officers and other employees of Claims Commission.

62. (*1*) The Central Government shall provide the Claims Commission with such officers and other employees as it may deem fit.

(*2*) The salary and allowances payable to and the terms and other conditions of service of officers and other employees of the Claims Commission shall be such as may be prescribed.

Application for compensation and transfer of pending cases to Claims Commission.

63. (*1*) Upon establishment of the Claims Commission under section 56, every application for compensation for nuclear damage shall be made to the Claims Commission and every application for compensation pending before any Claims Commissioner immediately before the date of establishment of the Claims Commission under section 56 shall stand transferred on that date to the Claims Commission and upon such transfer, the Claims Commissioner shall—

(*a*) furnish to the Claims Commission all records, documents, evidence, registers, transcripts and any other material related to the transferred claims;

(*b*) provide such assistance and cooperation to the Claims Commission as may be requested by it; and

(*c*) take all reasonable steps to ensure that the transfer of claims does not result in delay or prejudice to any party.

(*2*) Upon transfer of cases to the Claims Commission under sub-section (*1*), the Claims Commission shall hear such applications from the stage at which it was before such transfer.

(*3*) The transfer of a claim for compensation to the Claims Commission shall not be construed to—

(*a*) invalidate any proceeding validly conducted by a Claims Commissioner prior to such transfer; or

(*b*) affect any legal rights, obligations, or liabilities that have already accrued under an award or order made by a Claims Commissioner.

(*4*) The Chairperson may constitute benches of the Claims Commission comprising of not more than three Members, for the purpose of hearing of claims and any decision thereon shall be made by a majority of the Members hearing such claims.

Application for compensation in respect of nuclear damage.

64. (*1*) An application for compensation before the Claims Commissioner or the Claims Commission in respect of a nuclear damage may be made by—

(*a*) a person who has sustained injury;

(*b*) a person owning the property to which damage has been caused;

(*c*) the legal representatives of the deceased; or

(*d*) any agent duly authorised by such persons referred to in clauses (*a*) and (*b*).

(*2*) Every application for compensation before the Claims Commissioner or the Claims Commission shall be made in such form and manner as may be prescribed.

(*3*) Every application for compensation shall be made within a period of three years from the date of knowledge of nuclear damage by the person suffering such damage.

Adjudication procedure for claims.

65. (*1*) For the purposes of adjudication of claims for nuclear damage under this Act, the Claims Commissioner and the Claims Commission shall follow such procedure as may be prescribed.

(*2*) For the purpose of holding inquiry, the Claims Commissioner and the Claims Commission may engage experts in the nuclear field or such other persons as may be deemed fit, on such terms and conditions and on payment of such remuneration, fee or allowances, as may be prescribed.

(*3*) The Claims Commissioner and the Claims Commission shall, for the purposes of discharging their functions under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely:— 5 of 1908.

(*a*) summoning and enforcing the attendance of any person and examining him on oath;

(*b*) the discovery and production of documents;

(*c*) receiving evidence on affidavits;

(*d*) requisitioning any public record or copies thereof from any court or office;

(*e*) issuing of commission for the examination of any witness;

(*f*) any other matter which may be prescribed.

(*4*) The Claims Commissioner and the Claims Commission shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice and subject to the other provisions of this Act or any rules made thereunder, the Claims Commissioner and the Claims Commission shall have the power to regulate its own procedure including the places and the times at which it shall have its sittings. 5 of 1908.

(*5*) The Claims Commissioner and the Claims Commission shall be deemed to be a civil court for the purposes of section 215 and Chapter XV of the Bharatiya Nagarik Suraksha Sanhita, 2023. 46 of 2023.

(*6*) Every proceeding before the Claims Commissioner or the Claims Commission under this Act shall be deemed to be judicial proceeding within the meaning of sections 229, 257 and 267, and for the purposes of section 196, of the Bharatiya Nyaya Sanhita, 2023. 45 of 2023.

Award of compensation.

66. (*1*) On receipt of an application for compensation under this Chapter, the Claims Commissioner or the Claims Commission shall, after giving notice of such application to the operator and giving an opportunity of being heard to the parties, dispose of the application within a period of three months from the date of such receipt and make an award accordingly.

(*2*) While making an award under this section, the Claims Commissioner or the Claims Commission shall not take into consideration any benefit, reimbursement or amount received by the applicant in pursuance of employment or contract or insurance taken by the applicant for himself or for members of his family or otherwise.

(*3*) Where an operator is likely to remove or dispose of any property with the object of evading payment of the amount of the award, the Claims Commissioner or the Claims Commission may, in accordance with the provisions of rules 1 to 4 of Order XXXIX of the First Schedule to the Code of Civil Procedure, 1908, grant a temporary injunction to restrain such act. 5 of 1908.

(*4*) The Claims Commissioner and the Claims Commission shall cause to deliver copies of the award to the parties including digital copies, within a period of fifteen days from the date of the award.

(*5*) Every award made under this section shall be final and binding on the parties.

Extinction of right to claim.

67. The right to claim compensation for nuclear damage shall extinguish, if such claim is not made within a period of—

(*a*) ten years, in the case of damage to property;

(*b*) twenty years, in the case of personal injury to any individual,

from the date of notification of nuclear incident under section 26:

Provided that where a nuclear damage is caused by a nuclear incident involving nuclear material which, prior to such nuclear incident, had been stolen, lost, jettisoned or abandoned, the said period of ten years shall not strictly apply from the date of such nuclear incident, but, in no case, it shall exceed a period of twenty years from the date of such theft, loss, jettison or abandonment.

Enforcement of awards.

68. (*1*) When an award is made by the Claims Commissioner or the Claims Commission under this Act,—

(*a*) the insurer or any person who under the contract of insurance or financial security is required to pay any amount in terms of such award and to the extent of his liability under such contract shall deposit that amount within such period and in such manner as the Claims Commissioner or the Claims Commission may direct; and

(*b*) the operator shall, subject to the maximum amount of liability specified in the Second Schedule, deposit the remaining amount by which such award exceeds the amount deposited under clause (*a*).

(*2*) Where the insurer or operator or any person referred to in sub-section (*1*) fails to deposit the amount of award within the period specified in the award, such amount shall be recoverable from such insurer or operator or person, as the case may be, as arrears of land revenue.

(*3*) The amount deposited under sub-section (*1*) shall be disbursed to such person as may be specified in the award within a period of fifteen days from the date of such deposit.

Dissolution of Claims Commission in certain circumstances.

69. (*1*) Where the Central Government is satisfied that the purpose for which the Claims Commission was established has served its purpose, or where the number of cases pending before such Claims Commission is so less that it would not justify the cost of its continued function, or where it considers necessary or expedient so to do, the Central Government may, by notification, dissolve the Claims Commission.

(*2*) With effect from the dissolution of the Claims Commission,—

(*a*) the proceedings, if any, pending before the Claims Commission as on the date of such dissolution, shall be transferred to the Claims Commissioner;

(*b*) the Chairperson and all Members of the Claims Commission shall be deemed to have vacated their offices as such and they shall not be entitled to any compensation for premature termination of their office;

(*c*) all assets and liabilities of the Claims Commission shall vest in the Central Government.

(*3*) Notwithstanding the dissolution of the Claims Commission under sub-section (*1*), anything done or any action taken or purported to have been done or taken including any order made or notice issued or any appointment, confirmation or declaration made or any document or instrument executed or any direction given by the Claims Commission before such dissolution, shall be deemed to have been validly done or taken under this Act.

CHAPTER IX

OFFENCES AND PENALTIES

Penalties.

70. (*1*) If the Central Government or the Board determines on conclusion of an investigation under section 29 that there has been a breach or violation by any person, of—

(*a*) any provision of this Act or the rules or regulations made thereunder; or

(*b*) the terms and conditions of licence or safety authorisation; or

(*c*) any order issued under—

(*i*) the second proviso of sub-section (*2*) of section 5; or

(*ii*) sub-section (*1*) of section 8; or

(*iii*) sub-section (*4*) of section 31; or

(*iv*) sub-section (*3*) of section 35; or

(*v*) section 40; or

(*d*) any directions issued under—

(*i*) sub-section (*3*) of section 8; or

(*ii*) sub-section (*4*) of section 24; or

(*iii*) clause (*c*) or clause (*d*) of sub-section (*2*) of section 31; or

(*e*) any conditions imposed under clause (*b*) or prohibitions specified under clause (*c*), of sub-section (*3*) of section 5; or

(*f*) any notice issued under section 41,

then if such breach or violation is not likely to pose a grave threat or risk to public or environment, the adjudicating officer designated under sub-section (*2*), after giving such person a reasonable opportunity of being heard, may impose such penalties for any of the categories of the aforesaid breach and violations specified in the First Schedule.

(*2*) The Central Government or the Board may designate any of its officers, not below the rank of Joint Secretary, as an adjudicating officer for the purposes of adjudication under sub-section (*1*).

(*3*) While determining the penalty under sub-section (*1*), the adjudicating officer shall have due regard to the following factors, namely:—

(*a*) the nature, gravity and duration of the breach or violation;

(*b*) the consequences of the breach or violation on nuclear or radiation safety;

(*c*) repetitive nature of the breach or violation;

(*d*) whether the person, as a result of the breach or violation, has realised a gain or avoided any loss;

(*e*) whether the person took any action to mitigate the effects and consequences of the breach or violation, and the timeliness and effectiveness of such action;

(*f*) whether the penalty to be imposed is proportionate and adequate to deter any further breach or violation; and

(*g*) the likely impact of the imposition of the penalty on the person.

(*4*) In the case of a continuing contravention, the adjudicating officer may impose a penalty not exceeding twenty-five thousand rupees for every day during which the default continues.

(*5*) The amount of any penalty under this section, if not paid, may be recovered as if it were an arrear of land revenue.

(*6*) All sums realised by way of penalties imposed by the adjudicating officer shall be credited to the Consolidated Fund of India.

Punishment for offences.

71. (*1*) Without prejudice to any penalty imposed by the adjudicating officer under section 70, whoever—

(*a*) commits a breach or violation referred to in sub-section (*1*) of section 70 which is likely to pose a grave threat or risk to public or environment; or knowingly or repeatedly commits any such breach or violation;

(*b*) carries out any of the activities without a licence or safety authorisation for which a licence or safety authorisation is required under this Act;

(*c*) violates safeguards or security requirements under this Act;

(*d*) fails to comply with the provisions of section 15;

(*e*) fails to deposit the amount under section 68; or

(*f*) fails to pay the penalty imposed by the adjudicating officer under section 70,

shall be deemed to be an offence under this Act and be punishable with imprisonment for a term which may extend to five years or with fine or with both.

(*2*) Whoever obstructs any authority or officer in the exercise of their powers under this Act or knowingly makes any false declaration or statement in any return or reports submitted to the Central Government or the Board shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

(*3*) Whoever abets or attempts or conspires to commit any offence specified in sub-section (*1*) or sub-section (*2*), shall be liable to the same punishment as they apply to such offences.

(*4*) Whoever takes part in or commits or abets or incites the unauthorised removal or use of source material or fissile material or radioactive material or discloses any restricted information shall be punishable for a term which may extend to ten years of rigorous imprisonment or with fine or with both.

(*5*) Where an offence under this section relates to a factory, mine or any facility, then the occupier, owner or the employer of such factory, mine or facility, at the time the offence was committed, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this section shall render such occupier, owner or employer liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Offences by companies.

72. (*1*) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed was directly in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment under this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(*2*) Notwithstanding anything contained in sub-section (*1*), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section, "director", in relation to—

(*i*) a firm, means a partner in the firm;

(*ii*) an association of individuals, means authorised representative of the association.

Offences by Government Departments.

73. Where an offence under this Act has been committed by any Department of the Government, the Head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this section shall render such Head of the Department liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Cognizance of offences.

74. (*1*) The offences under section 71 shall be cognizable under the Bharatiya Nagrik Suraksha Sanhita, 2023, but no action shall be taken in respect of any person for the offence under this Act except upon a written complaint made by a person duly authorised by the Central Government or the Board:

46 of 2023.

Provided that proceedings in respect of offences under sub-section (*4*) of section 71 shall not be instituted except with the consent of the Attorney-General for India.

(*2*) No court inferior to that of a Judicial Magistrate of the first class shall try any offence under this Act.

Power to investigate offences.

75. Notwithstanding anything contained in the Bharatiya Nagarik Suraksha Sanhita, 2023, upon a complaint made under section 74, a police officer not below the rank of Inspector of Police shall investigate offences under this Act.

46 of 2023.

Power to compound offences.

76. (*1*) Notwithstanding anything contained in the Bharatiya Nagarik Suraksha Sanhita, 2023 and save as provided in this section, any offence punishable under this Act may either before or after the institution of any proceeding, be compounded by the court before which such proceedings are pending.

46 of 2023.

(*2*) In deciding whether to compound an offence under this Act, the Judicial Magistrate shall have regard to the following factors, namely:—

(*a*) gravity of the conduct;

(*b*) risk posed to the public;

(*c*) the state of mind of the defendant;

(*d*) steps taken towards restitution of the default;

(*e*) the opinion of the Central Government or Board; and

(*f*) any other factor which may be notified by the Central Government.

(*3*) The offences under clauses (*d*), (*e*) and (*f*) of sub-section (*1*) and sub-section (*4*) of section 71 or any offence which poses a serious risk to nuclear safety or nuclear security, shall not be compoundable.

CHAPTER X

MISCELLANEOUS

Grants by Central Government to Board.

77. (*1*) The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Board grants of such sums of money to enable the Board to carry out its functions under this Act.

(*2*) The Board shall prepare, in such form and at such time in each financial year, as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Board and submit the same to the Atomic Energy Commission.

Accounts and audit of Board.

78. (*1*) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed.

(*2*) The accounts of the Board shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred by him in connection with such audit shall be reimbursed to him by the Board.

(*3*) The Comptroller and Auditor-General of India and any other person appointed by the Comptroller and Auditor-General in connection with the audit of

the accounts of the Board shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General of India generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers, and to inspect any of the offices of the Board.

(*4*) The accounts of the Board as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and the Central Government shall cause the same to be laid before each House of Parliament.

Furnishing of returns and reports by Board.

79. (*1*) The Board shall furnish to the Central Government, at such time and in such form and the manner as may be prescribed, such returns and statements and such particulars in relation to finance and accounts as the Central Government may, from time to time, require.

(*2*) The Board shall prepare, once in every year, an annual report giving a summary of its activities during the previous year and copies of the report shall be forwarded to the Atomic Energy Commission.

(*3*) The Central Government shall cause a copy of the report referred to in sub-section (*2*) to be laid before each House of Parliament.

Furnishing of annual report by Claims Commission.

80. The Claims Commission shall prepare, in such form and at such time in each financial year, as may be prescribed, an annual report giving full account of its activities during that financial year and submit a copy thereof to the Central Government, which shall cause the same to be laid before each House of Parliament.

Bar on jurisdiction of civil court.

81. No civil court shall have jurisdiction to entertain any suit or proceedings in respect of any matter which the Central Government, the Board, the Appellate Tribunal, the Claims Commission or the Claims Commissioner, as the case may be, is empowered to determine or adjudicate, under this Act and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

Protection of action taken in good faith.

82. No suit, prosecution or other legal proceeding shall lie against the Central Government or the Board or the Council, or any of their employees and officers or any person acting on their behalf, in respect of anything done or intended to be done in good faith under this Act or the rules or regulations made thereunder.

Power to amend First and Second Schedules.

83. (*1*) If the Central Government is satisfied that it is necessary or expedient so to do, it may review the amount of—

(*a*) penalties specified in the First Schedule, to provide for a higher or lower amount for any category of breach or violation; or

(*b*) operator's liability specified in the Second Schedule, to provide for a higher or lower amount having regard to deployment of nuclear installations with advanced technology and enhanced safety features and other relevant criteria,

and by notification, amend the First Schedule or the Second Schedule and thereupon the First Schedule or the Second Schedule, as the case may be, shall be deemed to have been amended accordingly.

(*2*) A copy of every notification issued under sub-section (*1*), shall be laid as soon as may be after it is issued, before each House of Parliament.

Power to make rules.

84. (*1*) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the measures to be taken for security of radioactive substance under sub-section (*4*) of section 4;

(*b*) the form and manner of application for licence and the documents, information and fee, under sub-section (*1*) of section 6;

(*c*) the manner and terms and conditions for the grant of licence under sub-section (*1*) of section 7;

(*d*) the manner of taking control of the facility or mine and for compliance with other obligations under sub-section (*4*) of section 8;

(*e*) the terms and conditions of safety, security and safeguards under sub-section (*2*), and the manner of maintaining sufficient financial security under clause (*e*) of sub-section (*3*), of section 10;

(*f*) the manner of establishing Nuclear Liability Fund under sub-section (*2*) of section 14;

(*g*) the manner of obtaining an insurance policy or such other financial security under sub-section (*1*) of section 15;

(*h*) the qualifications and experience of Chairperson and Members of Board under sub-section (*3*) of section 17;

(*i*) the procedure to be followed by the search-cum-selection committee for recommending names of Chairperson and Members of Board under sub-section (*5*) of section 17;

(*j*) the salaries, allowances, incentives, entitlements and other conditions of service of officers and employees of Board under sub-section (*2*) of section 23;

(*k*) the other powers to be exercised and functions to be performed by Board under clause (*r*) of sub-section (*3*) of section 24;

(*l*) the manner of carrying out inspection and verification under sub-section (*2*) of section 28;

(*m*) the manner of conducting investigation under sub-section (*2*) of section 29;

(*n*) the manner of carrying out search and seizure under sub-section (*2*) of section 30;

(*o*) the manner in which acquisition shall be carried out under sub-section (*3*) of section 33;

(*p*) the terms and conditions for inviting technical experts to the meetings of the Council under sub-section (*3*) of section 47;

(*q*) the times, places, rules of procedure and quorum for meetings of Council under sub-section (*4*) of section 47;

(*r*) the manner and composition of search-cum-selection committee for appointment of Technical Member (Atomic Energy) under sub-section (*2*) of section 50;

(*s*) the form and manner of filing an appeal before the Appellate Tribunal under sub-section (*1*) of section 51;

(*t*) the other powers to be exercised by Chairperson of Claims Commission under section 58;

(*u*) the salary and allowances and other terms and conditions of service of the Chairperson and Members of Claims Commission under sub-section (*2*) of section 59;

(*v*) the salary and allowances payable to and the terms and other conditions of service of officers and other employees of Claims Commission under sub-section (*2*) of section 62;

(*w*) the form and manner of application for compensation before Claims Commissioner or Claims Commission under sub-section (*2*) of section 64;

(*x*) the procedure to be followed for adjudication of claims for nuclear damage under sub-section (*1*) of section 65;

(*y*) the terms and conditions for engaging experts for holding inquiry and payment of remuneration, fee or allowances to them under sub-section (*2*) of section 65;

(*z*) any other matter under clause (*f*) of sub-section (*3*) of section 65;

(*za*) the form and time of preparing budget under sub-section (*2*) of section 77;

(*zb*) the form of preparation of annual statement of accounts under sub-section (*1*) of section 78;

(*zc*) the time, form and manner of furnishing returns, statements and particulars under sub-section (*1*) of section 79;

(*zd*) the form and time of preparing annual report by Claims Commission under section 80;

(*ze*) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made, by rules.

Power to make regulations.

85. (*1*) The Board may, by notification, make regulations for carrying out the provisions of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(*a*) the facilities or activities requiring safety authorisation under sub-section (*3*) of section 3;

(*b*) radiological emergency under sub-section (*3*) of section 4;

(*c*) the form and manner of application for safety authorisation, and documents, information and fee under sub-section (*2*) of section 6;

(*d*) the manner and terms and conditions for granting a safety authorisation under sub-section (*2*) of section 7;

(*e*) the time, places, rules of procedure and quorum of meetings of the Board under section 21;

(*f*) the grant of safety authorisation during various stages of lifetime of nuclear and radiation facilities and associated activities under clause (*e*) of sub-section (*3*) of section 24;

(*g*) the manner of review of order or decision of Chairperson or Whole-time Member or officer under sub-section (*2*) of section 27;

(*h*) any other matter which is to be, or may be, specified, or in respect of which provision is to be made, by regulations.

Rules, regulations to be laid before Parliament.

86. Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in

making any modification in the rule or regulation, or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Act to have an overriding effect.

87. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or any instrument having effect by virtue of any enactment other than this Act.

Power to remove difficulties.

88. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may be necessary or expedient, for removing the difficulty.

(*2*) No order shall be made under this section after the expiry of five years from the date of commencement of this Act.

(*3*) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Amendment of Act No. 39 of 1970.

89. The enactment specified in the Third Schedule is hereby amended to the extent and in the manner mentioned in the fourth column thereof.

Act binding on Government.

90. The provisions of this Act shall be binding on the Government.

33 of 1962.
38 of 2010.

Repeal and saving.

91. (*1*) The Atomic Energy Act, 1962 and the Civil Liability for Nuclear Damage Act, 2010 are hereby repealed.

(*2*) Notwithstanding the repeal of the enactments aforesaid, any action taken, including creation of any body or authority, grant of licence or permissions by whatever name called, grant of exemption, conduct of inspection or investigation or passing of orders, issuance of notice, any document or instrument executed, funds collected or any proceedings, complaints or appeal pending or ongoing, under the enactments so repealed, shall be deemed to have been done or taken under this Act.

(*3*) All rules, notifications, orders, directions and regulatory documents made or issued or purported to have been made or issued under the enactments so repealed shall, in so far as they relate to matters for which provision is made in this Act and are not inconsistent therewith, be deemed to have been made or issued under this Act as if this Act had been in force on the date on which such rules, notifications, orders, directions and regulatory documents were made or issued, and shall continue to be in force unless and until they are superseded by any rule, notification, order, direction or regulatory document made or issued under this Act.

(*4*) Any person appointed to any office under or by virtue of any enactment hereby repealed shall be deemed to have been appointed by that office under or by virtue of this Act.

(*5*) Any principle or rule of law, practice or procedure or existing usage, custom, privilege, restriction or exemption shall not be affected, notwithstanding that the same respectively may have been in any manner affirmed or recognised or derived by, in, or from, the enactments hereby repealed.

(*6*) The offices existing on or before the commencement of this Act shall continue as if they have been established under the provisions of this Act.

THE FIRST SCHEDULE

[*See* sections 70(*1*) and 83(*1*)]

PENALTIES FOR CATEGORIES OF BREACH AND VIOLATIONS

Categories of breach and violations	Penalty (in INR)
Severe	Not less than fifty lakh rupees but may extend to one crore rupees.
Major	Not less than ten lakh rupees but may extend to fifty lakh rupees.
Moderate	Not less than five lakh rupees but may extend to ten lakh rupees.
Minor	Not less than fifty thousand rupees but may extend to five lakh rupees.

THE SECOND SCHEDULE

[*See* sections 11(*2*)(*3*), 13 (*2*), 14(*1*)(*a*), 15(*1*),16, 68(*1*)(*b*) and 83(*1*)]

LIMITS OF LIABILITY OF THE OPERATORS FOR DIFFERENT CATEGORIES OF NUCLEAR INSTALLATION

Sl. No.	Categories of nuclear installation	Limit of operator's liability (INR) in crore
(1)	(2)	(3)
1.	Reactors having thermal power above 3600 MW	3000
2.	Reactors having thermal power above 1500 MW and up to 3600 MW	1500
3.	Reactors having thermal power above 750 MW and up to 1500 MW	750
4.	Reactors having thermal power above 150 MW and up to 750 MW	300
5.	Reactors having thermal power up to 150 MW, fuel cycle facilities other than spent fuel reprocessing plants and transportation of nuclear materials	100

THE THIRD SCHEDULE

(*See* section 89)

AMENDMENTS

Year	No.	Short title	Amendments
(1)	(2)	(3)	(4)
1970	39	The Patents Act, 1970	1. For section 4, the following section shall be substituted, namely:— "4. Inventions relating to nuclear energy.—The patents may be granted for inventions relating to nuclear energy subject to the provisions of this Act and section 38 of the Sustainable Harnessing and Advancement of Nuclear Energy for Transforming India Act, 2025.". 2. In section 65, in sub-section (*1*), for the words, brackets and figures "sub-section (*1*) of section 20 of the Atomic Energy Act, 1962 (33 of 1962)", the words and figures "section 38 of the Sustainable Harnessing and Advancement of Nuclear Energy for Transforming India Act, 2025" shall be substituted.

Sd/-

DR. RAJIV MANI,

Secretary to the Government of India.

By order and in the name of the Governor of Gujarat,

Sd/-

K. M. LALA,

Secretary to Government.

Government Central Press, Gandhinagar.

Signature Not Verified
Signed by : BHOLUSINGH G THAKUR
Senior Manager
Government Central Press, Gandhinagar
Date : 2026.04.02 21:55:30 IST